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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/988,537 12/10/97 ISHIBASHI

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EXAMINER

TM02/1120

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ART UNIT

PAPER NUMBER

2675

DATE MAILED:

11/20/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
08/988,537

Applicant(s)  
Ishibashi et al.

Examiner  
Amr Awad

Group Art Unit  
2675



☒ Responsive to communication(s) filed on Sep 28, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 5-20 is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on September 28, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/988,537 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata (US patent NO 5,579,026) in view of Tosaki (US patent NO. 5,844,530).

Tabata (figures 1-2) teaches an image observation apparatus (head mounted display ) including a main body (1) which has an image display device (7R and 7L); an operational member (controller (11)) which is operated manually in order to give instruction to the image observation device; a detector for detecting a posture of the main body; and a controller (part of the controller (11)) for controlling an image which is displayed on the image display device in response to a

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signal which is output from the detector; see abstract, column 3, lines 50-63 and column 5, lines 19-55.

Tabata does not teach an embodiment wherein the controller part is provided on the main body. Tabata does not teach that the controller stops controlling the image which is displayed on the image display device when the operational member is operated.

Tosaki teaches a head mounted display for displaying prescribed images; see abstract. Tosaki (figure 14) teaches that in case the user needs to stop the game, a pause switch is depressed on the control pad (201) and temporarily stop the game (i.e., not allowing changing the image which is displayed on the image display device). If the game is temporarily stopped, the pause button on the control pad (201) should be depressed again to cancel the pause mode; see column 16, lines 22-39.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Tabata's device to include the teaching of Tosaki of having a switch that stops (freezes) the changing of the image on the display so as motivated by Tabata, to enable the user to temporarily stops the game if needed and return back to it from where he or she left it.

Note that the combination of Tabata and Tosaki fairly teaches the claimed limitation because claim 1 discloses that the controller does not allow changing the image which is displayed on the image display device in response to the signal which is output from the detector when the operational member is operated. As discussed above Tabata teaches having a detector that detects

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the posture of the device. The operational member may any operation that can be performed on the device. Considering that, the operational member reads on Tosaki's pause switch, because once, the pause switch is operated, no changing in the image is allowed.

As to claimed limitation that the operational member is provided on the main body, as can be seen from Applicant's figure 1, the device not a head mounted display. Both Tabata and Tosaki devices are head mounted. Thus, the obvious position of the operational switches to be in the user's hand. However, if either Tabata or Tosaki device is to be surface mounted display, the obvious design to the switches to be provided on the main body so that to add to the portability of the device. Furthermore, to allow easily operation of the device.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata and Tosaki as applied to claim 1 above, and further in view of Takasu Tomoji (Japanese patent Publication NO. 03056923A; hereinafter referred to as Takasu) (provided by the Applicant in the information disclosure statement).

Note the discussion of Tabata and Tosaki above. Tabata and Tosaki do not expressly teach a camera which forms the image which displayed on the image display device (image forming device) (claim 4) and wherein the controller controls the image which is displayed thereon by controlling the posture of the camera.

Takasu (figure 1) teaches a head mounted display device wherein the a camera which forms the image which displayed on the image display device (image forming device) (claim 4)

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and wherein the controller controls the image which is displayed thereon by controlling the posture of the camera; see abstract.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Takasu's teaching of having a camera to form the displayed images and wherein the controller controls the image by controlling the posture of the camera to Tabata's modified device so as motivated by Takasu, to avoid manually controlling the viewing direction..

*Allowable Subject Matter*

5. Claims 6-20 are allowed.

*Response to Arguments*

6. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

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**Or:**

(703) 308-6606, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703) 308-8485. The examiner can normally be reached on Monday--Friday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached on (703) 305-4718.

*Amr A. Awad*

Patent Examiner

November 15, 2000.

  
DENNIS-DOON CHOW  
PRIMARY EXAMINER